



Licensing of Alcohol and Gambling Sub- Committee

WEDNESDAY 11 MAY 2016 AT 10.30 AM

Council Chamber - Civic Centre

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Membership

Councillor Mrs Bassadone
Councillor P Hearn (Chairman)

Councillor R Sutton

For further information, please contact Trudi Coston 01442 228224

AGENDA

1. MINUTES (Pages 3 - 6)

To confirm the minutes of the meeting held on 14 January 2016.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

- (ii) may not participate in any discussion or vote on the matter (and must withdraw to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting].

4. PREMISES LICENCE APPLICATION (Pages 7 - 38)

5. PROCEDURE FOR THE HEARING (Pages 39 - 40)

6. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during that item there would be disclosure to them of exempt information relating to:

DACORUM BOROUGH COUNCIL

LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

14 JANUARY 2016

Present –

MEMBERS:

Councillors Mrs Hearn (Chairman), Barnes and Howard

OFFICERS:

Barbara Lisgarten	Legal Governance Team Leader
Sally Taylor	Lead Licensing Officer
Trudi Coston	Member Support Officer
Kayley Johnston	Member Support Officer

Other Persons Present:

Mr Gyash Uddin	Applicant
Mr Ripan Miah	Applicant
Mr Peter Connolly	On behalf of the Management Company representing the landlord
Mr Amir	Colleague of the applicants

The meeting began at 2.00 pm

1. MINUTES

The minutes of the meeting held on 17 December 2015 were confirmed by the members present and then signed by the Chairman.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTERESTS

There were no declarations of interests.

4. PREMISES LICENCE APPLICATION

The Sub-Committee were required to consider a licence application for the following premises:

73 High Street
Markyate
St Albans
Hertfordshire
AL3 8PJ

The Chairman asked the members of the Sub-Committee to confirm that they had read the agenda. Councillors Barnes and Howard confirmed they had read the documents at hand.

The Chairman asked the Members of the Sub-Committee if they had visited the premises. Councillors Barnes and Howard said they knew of the premises.

The Chairman asked S Taylor if she had anything to add to the report.

S Taylor said members had before them an application for the grant of a new premises licence for 73 High Street, Markyate, Hertfordshire. The application was set out on page 9 of the agenda. S Taylor advised that both the applicants and the person who had made a representation had been invited to attend and address the Sub-Committee; however no response had been received from the objector.

The options available to the Sub-Committee were set out at paragraph 4.1 of the report, and S Taylor reminded them that any steps taken were to be considered appropriate in order to promote one or more of the licensing objectives. Furthermore, the Sub-Committee must give clear reasons for any decision reached.

The Chairman invited the Applicants to make representations.

G Uddin said he would like to speak on behalf of himself and partner Mr Miah, and made the following submission:

"I make this statement in support of the application by my partner R Miah and I for a Premises Licence in respect for our restaurant

G Uddin accentuated the following points

- Markyate High Street being a mixture of residential and commercial units - two being public houses and one other restaurant.
- One public house being opposite their restaurant
- The outlining of a strategy in the application that covered the Council's four licensing objectives
- Expressing their experience in the catering industry and their strict policy that alcohol was to be sold with food under a calm and controlled environment."

P Connolly supported G Uddin's statement by saying the premises was an end of terrace and it had access to the flats above with its own front door. Furthermore, there was a corridor between the dining hall of the premises and the adjoining property. Mr Connolly advised that the premises had ceased to be a Post Office in 1999, and A3 use had been granted by the Planning Department in 2002.

The Chairman asked if they still intended to apply to play live music.

R Miah said they had originally applied to play live music and have events four times a year but they had withdrawn this since the objection.

S Taylor asked the applicants to confirm if they were withdrawing Section E and H of the application form, which comprised live music and similar entertainment such as karaoke.

R Miah confirmed that was correct. R Miah asked if they would be allowed background music.

S Taylor confirmed that background music was allowed and it wouldn't require a licence.

The Chairman asked the Councillors if they had any questions for the Applicant.

Councillor Barnes asked what other premises they had.

G Uddin confirmed that his Father and Grandfather had restaurants which he held licences for and ran for many years. He also confirmed he had a licence for a premises in Leighton Buzzard.

Councillor Barnes asked the Applicant if they knew the names and opening times of the Pubs nearby and if they would be amenable to serving times.

G Uddin said he wasn't sure of the names or the times of the pubs nearby. He added they could be flexible on opening times.

The Chairman asked the Applicants how they would feel about stopping serving alcohol at 22.30 hours and closing at 23.00 hours.

B Lisgarten advised the Sub-Committee that they would need to justify their reasons why they suggested a change in serving and opening hours.

The Sub-Committee agreed to adjourn the meeting and for S Taylor to get the licence details for the pub opposite to confirm the opening hours.

The meeting was adjourned at 14:20.

The meeting reconvened at 14:27.

The Chairman confirmed that the local pub had longer opening hours than the Applicant had wished for so they should disregard the suggestions for a change in those times.

The Chairman asked if anyone had any further questions.

P Connolly asked if he could make a couple of points that were relevant to the objection.

The Chairman confirmed that this would be appropriate.

P Connolly made reference to the large community in Markyate and the lack of restaurants it currently had. He said restaurants were in high demand and they had received lots of positivity from the Community, minus the one objection.

P Connolly suggested that the objector could be the neighbour that had recently put their house up for sale so they could potentially be leaving the area.

G Uddin also said they had taken steps to minimise nuisance to neighbours regarding pollution and had put extractors in place which were located at the opposite side of the premises to their neighbours property. They had also taken measures to soundproof the premises.

The Applicants and the Officers withdrew from the meeting whilst the Sub-Committee considered the application.

Resolved:

The Sub-Committee considered both the applicant's submissions and the objectors' representations when coming to its decision.

The Sub-Committee concluded that the objectors' concerns regarding potential anti-social behaviour and other unnecessary noise were properly mitigated by the withdrawal of all amplified live entertainment by the applicant, and the implementation of further noise reduction measures as outlined in the applicant's submission.

The Sub-Committee therefore felt it was appropriate for the promotion of the licensing objectives to grant the licence with the amendments as proposed.

The meeting finished at 2.48 pm.



AGENDA ITEM: 4

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	11 May 2016
PART:	I
If Part II, reason:	

Title of report:	<i>Application reference no: M040092</i> Premises Licence application under the Licensing Act 2003
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	This report sets out details of an application in respect of a premises licence, which requires consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and representations made in respect of the application, and determine the application in accordance with the options set out below.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm. <p>Dacorum Delivers</p> <ul style="list-style-type: none"> Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.
Implications:	Applications are to be determined under existing policies. No new policy implications arise.
Consultees:	Consultation requirements are prescribed by legislation, and differ depending upon the type of application. Details of representations made by consultees are set out below.

Background papers:	Licensing Act 2003, and associated regulations DBC Statement of Licensing Policy 2016-2021 Guidance to Licensing Authorities under section 182 of the Licensing Act 2003 (Home Office, March 2015)
Glossary of acronyms and any other abbreviations used in this report:	

1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2. The Act provides several forms of authorisation for different scenarios. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, will require a premises licence to authorise those activities. Members' clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.
- 1.3. Under the scheme of delegation adopted by the Council, the Licensing of Alcohol & Gambling Sub-Committee ("the Sub-Committee") is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.

2. Applications

- 2.1. The application detailed in part 5 of this report has been made to the licensing authority and requires consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant through service of a copy of the application on specified 'responsible authorities' (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.
- 2.3. The applicant and persons making representations have been given notice of the hearing in accordance with statutory requirements.

3. General principles to be followed when determining applications

- 3.1. When considering applications, the licensing authority is required to carry out its functions with a view promoting the licensing objectives, which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and

- the protection of children from harm.
- 3.2. The licensing authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Attention is drawn to specific, relevant provisions from these documents, with the details of the applications in the Appendices.
 - 3.3. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.
 - 3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.
 - 3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, appropriate and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
 - 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
 - 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

4. Options available to the Sub-Committee

- 4.1. When determining an application for the grant of a premises licence (under section 17 of the 2003 Act), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
 - (a) grant the licence subject to any applicable mandatory conditions, and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
 - (b) exclude from the scope of the licence any of the licensable activities to which the application relates;

- (c) refuse to specify a person in the licence as the premises supervisor;
- (d) reject the application.

5. Details of application

5.1. The following application requires consideration and determination by the Sub-Committee. Further details on the application are contained in the indicated appendix:

Appendix	Premises name / address	Type of application
A	Redz Bar 25 High Street, Hemel Hempstead, Hertfordshire HP1 3AA	Application for grant of premises licence (section 17 of the Licensing Act 2003)

Applicants name Mr Garry Russell

Name and address of premises Redz Bar
25 High Street
Hemel Hempstead
Hertfordshire
HP1 3AA

Ward Hemel Hempstead Town

1. Current Licence

- 1.1 The premises is not currently subject to authorisation under the Licensing Act 2003.
- 1.2 A previous premises licence lapsed upon the dissolution of the company which held the licence in February 2014. That licence authorised the following activities:
- | | |
|---|--------------------------------|
| Live music, Recorded music, Provision of facilities for dancing | |
| Monday to Thursday | 19.00 to 02.00 |
| Friday to Saturday | 19.00 to 04.00 |
| Sunday | 19.00 to 01.00 |
| Performances of dance | |
| Thursday to Saturday | 20.00 to 00.00 (twice monthly) |
| Late night refreshment | |
| Monday to Thursday | 23.00 to 01.30 |
| Friday to Saturday | 23.00 to 03.30 |
| Sunday | 23.00 to 01.00 |
| Supply of alcohol (on-sales) | |
| Monday to Thursday | 19.00 to 01.30 |
| Friday to Saturday | 19.00 to 03.30 |
| Sunday | 19.00 to 00.30 |
- 1.3 The premises was also licensed as a sexual entertainment venue in 2012, but never operated under that licence, which was not renewed upon expiry in 2013.

2. Application

- 2.1 An application has been made for the grant of a new premises licence under section 17 of the Licensing Act 2003. This is set out at Annex A.
- 2.2 Authorisation is sought for the following licensable activities:
- | | |
|-----------------------------|----------------------|
| <u>Live music (indoors)</u> | |
| Monday to Thursday | 18.00 to 23.00 hours |
| Friday to Saturday | 18.00 to 00.00 hours |
| Sunday | 12.00 to 23.00 hours |
| Non-standard timings: | |
| Bank Holiday Mondays | 12.00 to 23.00 hours |

<u>Recorded music (indoors)</u>	
Sunday to Thursday	12.00 to 01.30 hours
Friday and Saturday	12.00 to 03.30 hours

<u>Performances of dance (indoors)</u>	
Sunday to Thursday	19.00 to 01.30 hours
Friday and Saturday	19.00 to 03.30 hours

<u>Entertainment of a similar description to music and dance (indoors)</u>	
Sunday to Thursday	19.00 to 01.30 hours
Friday and Saturday	19.00 to 03.30 hours

<u>Supply of alcohol (for consumption on the premises)</u>	
Sunday to Thursday	12.00 to 01.30 hours
Friday and Saturday	12.00 to 03.30 hours
Non standard timings: if New Year's Eve falls on a weekday	
	12.00 to 03.30 hours

<u>Hours the premises may open to the public</u>	
Sunday to Thursday	12.00 to 02.00 hours
Friday and Saturday	12.00 to 04.00 hours
Non standard timings: if New Year's Eve falls on a weekday	
	12.00 to 04.00 hours

2.3 A plan of the premises and map of the area is set out at Annexes B1-B2

3. Details of Representations

3.1 Three representations have been received from persons living in the vicinity of the premises, all citing concerns in respect of public nuisance. These representations are set out at Annexes C1-C3.

3.2 A further representation has been received from Environmental Health, also citing concerns in respect of public nuisance to local residents. This representation is set out at Annex D.

3.3 The following responses were received from responsible authority officers in respect of the application:

Police: No relevant representations.
 Planning: No relevant representations.

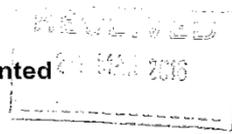
4. Observations

4.1 Relevant extracts from the Council's Statement of Licensing Policy and the statutory guidance are set out at Annex E.

Annex A
Application for grant of premises licence

Licensing, Dacorum Borough Council, Civic Centre, Marlowes, Hemel Hempstead, HP1 1HH

Revised October 2012



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We GARRY RUSSELL
(insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/We are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
25 HIGH STREET HEMEL HEMPSTEAD HERTS HP1 3AA			
Post town	HEMEL HEMPSTEAD	Post code	HP1 3AA

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£ 9,900.

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

Please tick ✓ as appropriate

- | | |
|--|--|
| <p>a) an individual or individuals *</p> <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i. as a limited company</p> <p style="margin-left: 20px;">ii. as a partnership</p> <p style="margin-left: 20px;">iii. as an unincorporated association or</p> | <p><input checked="" type="checkbox"/> please complete section (A)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> |
|--|--|

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)	
Surname	RUSSELL
First names	GARRY
I am 18 years old or over	<input checked="" type="checkbox"/> Please tick ✓ yes
Current postal address if different from premises address	[REDACTED]
Post town	[REDACTED] Post code [REDACTED]
Daytime contact telephone number	[REDACTED]
Email address (optional)	[REDACTED]

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title (for example, Rev.)			
Surname			
First names			
I am 18 years old or over		<input type="checkbox"/> Please tick ✓ yes	
Current postal address if different from premises address			
Post town		Post code	
Daytime contact telephone number			
Email address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please body corporate). please give the name and address of each party concerned.

Name	
Address	
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association, etc.)	
Telephone number (if any)	
Email address (optional)	

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
22	04	2016

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

Please give a general description of the premises (please read guidance note 1)

- Bar premises located in the basement of 25A High Street HPI 3AA. Accessible by stairs leading from main high street. With safety flooring and hand rails provided.

Fire exit is situated up a back flight of stairs also with hand rail and leads to side communal alleyway located at the side of the premises.

Fire detectors are located throughout, with appropriate extinguishers located. Fire safety/exit signs in place and well highlighted.

- Toilets are also located on street level up back staircase.

- CCTV coverage throughout the premises and recorded.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- Provision of regulated entertainment** Please tick ✓ yes
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed					
Thur			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3)	
Thur				
Fri			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Sat				
Sun				
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	18:00	23:00	Please give further details here (please read guidance note 3) Performance of a variety of live bands mainly on a Sunday late afternoon, and we may hold an open mic session throughout the week or early evening at weekends.	Both	<input type="checkbox"/>
Tue	18:00	23:00			
Wed	18:00	23:00		State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	18:00	23:00			
Fri	18:00	00:00		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	18:00	00:00		Performance of live music starting at 12:00 on bank holiday Mondays throughout the year. To finish at 23:00.	
Sun	12:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	01:30	Please give further details here (please read guidance note 3) A jukebox will provide music throughout the day, finishing 1/2 hour before closing for the 'wind down' period. A DJ will play recorded music on Friday/Saturday nights finishing 1/2 hour before closing for 'wind down'.	Both	<input type="checkbox"/>
Tue	12:00	01:30			
Wed	12:00	01:30		State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Thur	12:00	01:30		If New Year's Eve fell on a weekday and opening hours were later, at 04:00. Recorded music would stop 1/2 before closing as is on a Friday/Saturday night.	
Fri	12:00	03:30		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	12:00	03:30			
Sun	12:00	01:30			

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	19 ⁰⁰	01 30	Please give further details here (please read guidance note 3) -The ladies nights that are permitted will include forms of dancing - conforming to the x11 permitted within the local government misc act -	Both	<input type="checkbox"/>
Tue	19 ⁰⁰	01 30			
Wed	19 ⁰⁰	01 30	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	19 ⁰⁰	01 30			
Fri	19 ⁰⁰	03 30	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	19 ⁰⁰	03 30			
Sun	19 ⁰⁰	01 30			

Anything of a similar description to that falling within e, f or g Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Will this entertainment take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish			Outdoors	<input type="checkbox"/>
Mon	19 ⁰⁰	01 30	- Weeknight entertainment may include karaoke, quiz nights, open mic nights, comedy nights, speed dating. - Possible ladies nights - x11 permitted as stated in local government miscellaneous ACT.	Both	<input type="checkbox"/>	
Tue	19 ⁰⁰	01:30				
Wed	19 ⁰⁰	01:30	Please give further details here (please read guidance note 3) - Entertainment will not affect public opening times / sale of alcohol. music sound limiter will continue to be in place at all times. Ladies nights will commence 20:00 onwards.			
Thur	19 ⁰⁰	01:30				
Fri	19 ⁰⁰	03:30	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Sat	19 ⁰⁰	03:30				
Sun	19 ⁰⁰	01:30				
			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)			

Where are the sections for 'Provision of facilities for making music and dancing'?

Changes under the Live Music Act mean that from the 1st October 2012, you no longer need a licence to provide facilities for making music, or facilities for dancing, or facilities for entertainment similar to music and dancing.

You will still need a licence if you are providing the entertainment, rather than simply providing facilities for use by customers.

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption: (Please tick box ✓) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish			
Mon	12:00	01:30	State any seasonal variations for the supply of alcohol (please read guidance note 4) If new leases etc was to fall on a weekday the sale of alcohol would correspond with the late night opening times finishing at 03:30.		
Tue	12:00	01:30			
Wed	12:00	01:30			
Thur	12:00	01:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	12:00	03:30			
Sat	12:00	03:30			
Sun	12:00	01:30			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	Garry Russell
Address	[REDACTED]
Postcode	[REDACTED]
Personal Licence number (if known)	Not yet known - awaiting licence.
Issuing licensing authority (if known)	[REDACTED]

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

We wish to hold the occasional ladies night adhering to the x11 allowed per annum as stated within the local government miscellaneous Act 1982.

To ensure the protection of children we will stipulate that all children must leave the premises by 19:00 and any entertainment of this nature would occur after this time and not before all children have left the premises.

L

Hours premises are open to the public (Standard days and times please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	12:00	02:00	the public until 04:00, following Friday/Saturday hours.
Tue	12:00	02:00	
Wed	12:00	02:00	
Thur	12:00	02:00	
Fri	12:00	04:00	
Sat	12:00	04:00	
Sun	12:00	02:00	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
			Christmas day would have an earlier closing time, (customer led).

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b,c,d,e) (please read guidance note 9)

In order to maintain a safe drinking environment national and local legislation will be followed, management and staff will be fully trained to meet these requirements, and we will continually update ourselves with the licensing objectives and current legislation.

- Staff working hours will be monitored to ensure no added pressure is brought upon them with extended opening hours.
- Members of the public will not be permitted entrance after 02:30 on extended hour nights.

b) The prevention of crime and disorder

- A licence holder and DPS will be allocated and always contactable.
- Sufficient lighting outside and inside, with full CCTV coverage which is recorded and stored following the data protection laws. - All Staff will be trained in how to use equipment.
- All staff will be effectively trained to prevent under age drinking, an 'over 25' id process will be used and if in doubt service will be refused. A refusal book will be kept to document any refusal of entrance/sale of alcohol.
- Drunkenness will not be tolerated. We hold a strict no drugs policy. Police will be informed of any suspicion or sale. A drugs safe will be held on premises for any declared drugs surrendered and police informed. All registered door staff will be used.

c) Public safety

- The premises is fully fire certified, with designated fire exits and appropriate extinguishers and signs. The premises has been electrically certified.
- Staff are aware of maximum capacity of premises and doorstaff will be instructed in this procedure and how to enforce.
- The premises will hold a first aid box and one staff member will be assigned as a 'first aider' for the premises. An accident book will be held to document any incidents that occur on the premises.
- Fire drills will be held, and staff will be trained to act accordingly during an emergency.

d) The prevention of public nuisance

- In order to prevent public nuisance to surrounding areas, a later staggered closing time is requested in relation to other local venues. This will help disperse members of the public and reduce crowds on the high street at any one time.
- Taxis will be instructed to pull into the rank and not stop directly outside the premises. - Staff are trained to control nuisance both inside and out by doorstaff.
- The premises has a bespoke sound system designed for the premises, with a sound limiter in place. Any amplification will be monitored by the licence holder.
- The premises has been part sound proofed with internal doors and cavity sound proofing to reduce noise. Litter is disposed and collected appropriately.
- Ventilation systems are maintained and checked regularly.

e) The protection of children from harm

- In order to protect children from harm, they will not be permitted on the premises after 19:00.
- All children under 16 years of age must be accompanied by a responsible adult. Adults responsible for children, who are consuming alcohol will be monitored by staff.
- An 'over 25' id procedure will be in use to ensure no sale of alcohol to under 18's occurs.

NOTE: See Annex A1 for typed version of this page.

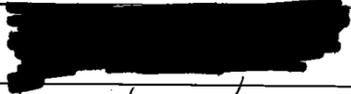
Please tick ✓ to indicate approval

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	17/03/2016
Capacity	

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 13)	
Telephone number (if any)	
If you would prefer us to correspond with you by email your email address (optional)	

Annex A1 - Copy of text in Section M – Licensing objectives

a) General – all four licensing objectives (b,c,d,e)

In order to maintain a safe drinking environment national and local legislation will be followed. Management and staff will be fully trained to meet these requirements, and we will continually update ourselves with the licensing objectives and current legislation.

Staff working hours will be monitored to ensure no added pressure is brought upon them with extended opening hours.

Members of the public will not be permitted entrance after 02:30 on extended hour nights.

b) The prevention of crime and disorder

A licence holder and DPS will be allocated and always contactable.

Sufficient lighting outside and inside, with full CCTV coverage which is recorded and stored following the Data Protection laws. All staff will be trained in how to use the equipment.

All staff will be effectively trained to prevent underage drinking. An 'over 25' ID process will be used and if in doubt service will be refused. A refusal book will be kept to document any refusal of entrance/sale of alcohol.

Drunkenness will not be tolerated. We hold a strict no drugs policy. Policy will be informed of any suspicion or sale. A drugs safe will be held on premises for any declared drugs surrendered and Police informed..

SIA registered door staff will be used.

c) Public safety

The premises is fully fire certificated, with designated fire exits and appropriate extinguishers and signs. The premises has been electrically certified.

No pyrotechnics or equipment that may cause harm will be used.

Staff are aware of maximum capacity of occupancy and door staff will be instructed to refuse entrance over this amount.

The premises will hold a first aid box and one staff member will be assigned as a 'first aider' for the premises. An accident book will be held to document any incidents that occur on the premises.

Fire drills will be held and staff will be trained to act accordingly during an emergency.

d) The prevention of public nuisance

In order to prevent public nuisance to surrounding areas, a later staggered closing time is requested in relation to other local venues. This will help disperse members of the public and reduce crowds onto the High Street at any one time.

Taxis will be instructed to pull onto the rank and not stop directly outside the premises.

Staff are trained to control nuisance both inside and out by door staff.

The premises has a bespoke sound system designed for the premises which a sound limiter in place. Any amplification will be monitored by the licence holder. The premises has been part sound-proofed with internal doors and cavity sound proofing to reduce noise. Litter is disposed and collected appropriately.

Ventilation systems are maintained and checked regularly.

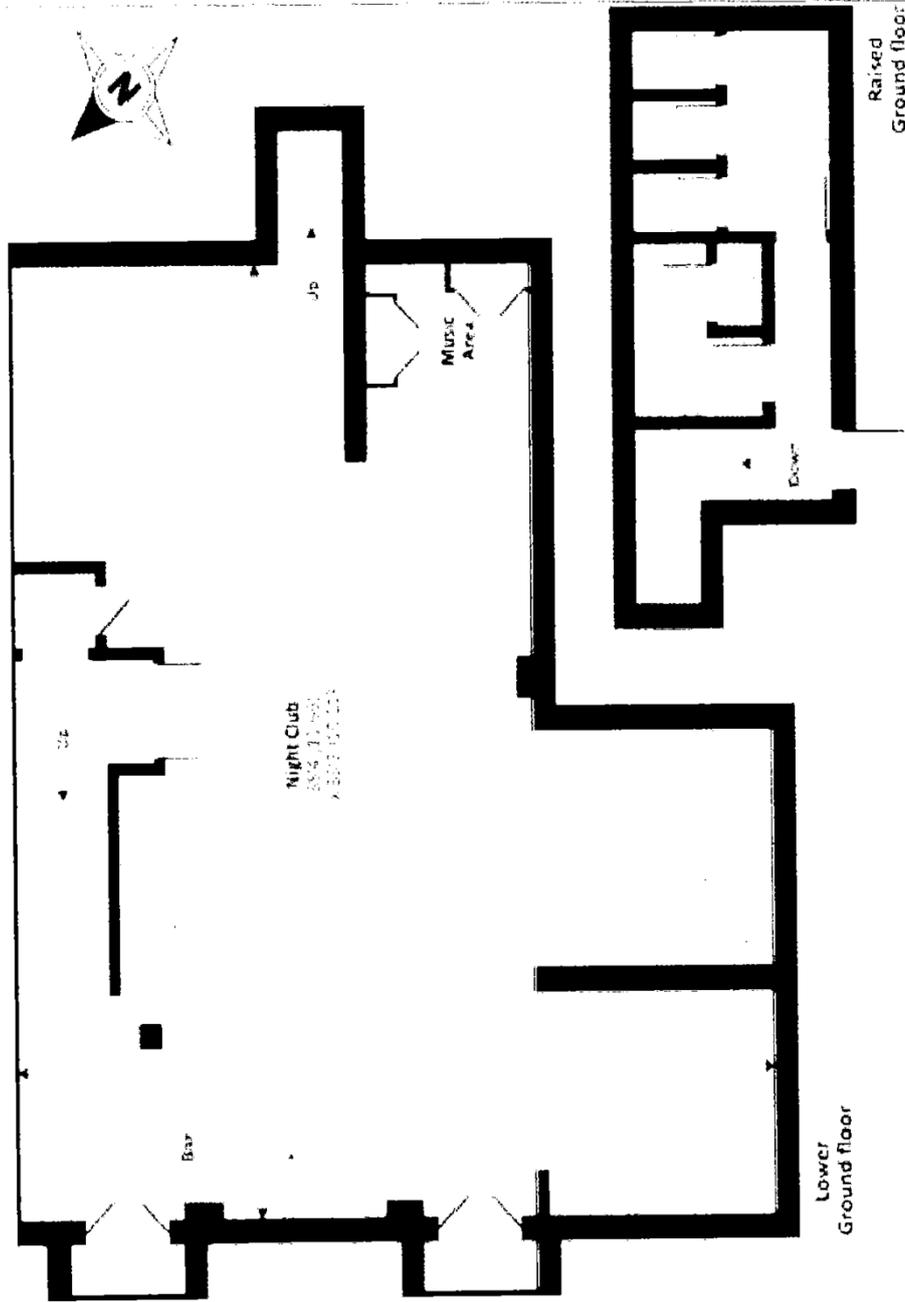
e) The protection of children from harm

In order to protect children from harm, they will not be permitted on the premises after 19:00.

All children under 16 years of age must be accompanied by a responsible adult. Adults responsible for children, who are consuming alcohol will be monitored by staff.

An 'over 25' procedure will be in line to ensure no sale of alcohol to under 18's occurs.

Annex B1
Plan of Premises



Approx. gross internal floor area 1253 SQFT / 120.1 SQM
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**Annex C
Representations**

Annex C1

From:
Sent: 25 March 2016 17:08
To: Licensing Mailbox; ASB-Team; Planning Enforcement Mailbox; Environmental Health Mailbox
Cc: Ray
Subject: Fwd: FW: Images Night Club

Dear all

Please find below the long email chain that has been going around various departments. From my first email you will see that we are opposing a new nightclub that opens soon in the old town. It is opening directly underneath some flats that house small children, and is next to my flat, where a side door opens to mine and other residents front door.

From a resident of my buildings past experience, we know this will make our lives a nightmare and wish this to be stopped immediately. This resident was assaulted by smokers using this side door; and much more went on as you can imagine.

As I mentioned, you'll see the reasons why in the below emails but in short it will cause noise pollution, anti social behavior on our door step and much more!

regards

Annex C1(a)

From:
Sent: 14 March 2016 14:23
To: Customer Services Mailbox
Cc: Andrew Derek Williams; Chief Executive
Subject: Images Night Club

Dear all

I'm writing with regard to the new Images Night Club that, from what I hear, is due to open in April. I am a resident living at 23 High Street and we as a collective from the area are appalled that a Night Club has been allowed to open, especially since the Club intends to be open until 4am!

The residents have heard nothing about this from the council, we found out by chance when the owner was working outside our front door which looks on to a side door from the club. Surely the council has to give notice to the residents in order for something like this, that will produce large amounts of noise pollution, notice so we can protest its opening?

Not to mention the small children that will be living directly above this club, but myself and others in my building have our bedroom windows and front door in the alley where the side door for the club will be. This means, due to no double glazing (listed building etc prevents this), we will hear everything. From shouting, bass frequencies (and feeling these), vomiting, chatting, fights, smokers etc. When this club was open 5 years ago a resident that still lives here said it was dreadful. She had people urinating up the front door and fights breaking out and threats made against her when she told them to keep it down etc.

For these reasons this club surely can not be allowed to open. I'm sure the new development of flats that is in progress at ex-Abel House is unaware. This will drive down those property values and potential for residents wanting to live there.

Overall this is an extremely bad idea. Locals and landlords will not stand for this club opening. The Old Town has undergone lots of changes recently with lots of money being thrown at it, and now this club will drive away the crowds you wanted and the family atmosphere you promoted. A total contradiction.

Please reconsider before we all have to move from sleep deprivation and the residential buildings become derelict. We put up with the pubs, but this club is completely unacceptable.

Yours sincerely

From:
Sent: 15 April 2016 13:22
To: Licensing Mailbox
Subject: 27 High Street, License application

To whom it may concern

Redz Bar [27 High Street](#) Hp1 3AA

Dear sir

I'm writing to object about the application and objects to the licensing hours (above) which are in my opinion too late for the keeping of the old town after all the money that the people of Hemel Hempstead have invested into the new renovations, making the old town the place it should be.

I have lived in the old town now for 15 years and seen many changes, I have put up with the new works going on coupled with the noise, the commotion, with the promise from the council for a nicer setting to reside. I'm currently enjoying the peace and quiet that allows me and my family which are four children under the age of 10 to sleep peacefully to some degree after [2 AM](#) in the morning when all the pubs shut.

When this bar was operating before until [4AM](#) in the morning there was commotion fighting and uproar until [5am](#) which is not fair to bestow on residents after the investment that has been made.

There is also no smoking shelter or policy procedure for the bar and therefore this results in people standing outside the bar which then brings smoke up into my building through vents (grade 2 listed and the Windows) from people hoarding outside the front doors.

People standing outside the front doors smoking at early hours of the morning also causes commotion and noise pollution.

There is also the situation with the loudness of the music as there is no noise limitation device in the bar and this echoes through the building into my building to the point of where the doors shake and rattle.

Although I do not want to stand in the way of people making money and earning a living I too have the right to a quiet existence in my home. I too have to work and earn money to support my children and therefore need my sleep at the weekends and I do not think that with that regeneration of the old town that a nightclub is fitting into those hours in the morning. You already have four pubs up here which all have late licenses and they service the clientel of the old town. The old town is an oldie worldly setting and should be kept that way.

I do not think that the council has thought the regeneration through properly if they are now going to consider this late night venue.

I strongly object to the license running past the hours of the other pubs in the old town.

Yours sincerely

From:

Sent: 16 April 2016 15:03

To: Licensing Mailbox

Subject: Request for licence for 25 high street,hemel Hempstead

I would like to object to granting a licence for above premises, on the grounds that they do not have sufficient sound proofing for a late night/early morning live music establishment.

They do not have a designated smoking area, unless they are smoking on the street, or up by the entrance to residential properties.

The noise from people leaving an establishment at possibly 3.30am at weekends is unacceptable when you have residents living above.

The noise can be unbearable already, without having more venues, and later opening.

My name is

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority:
Environmental Health – Environmental Protection

Your Name	Dawn Ryder
Job Title	District Environmental Health Officer
Postal and email address	Civic Centre, Marlowes, Hemel Hempstead
Contact telephone number	Ext 2481

Name of the premises you are making a representation about	TBA
Address of the premises you are making a representation about	25 High Street, Hemel Hempstead, Herts. HP1 3AA

<i>Which of the four licensing Objectives does your representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	N	
Public safety	N	
To prevent public nuisance	Y	Concern that residents above the property will be disturbed by loud music and will be prevented from restful sleep and disturbed in their homes
To protect children from harm	N	

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account.

- Before the use commences a noise assessment should be carried out by a qualified acoustician to ensure that licensable activities carried out in connection with this licence are unlikely to give rise to complaints at any adjoining or nearby noise sensitive premises.
- The acoustic report should be submitted and approved by the local authority and should detail all control measures and if applicable additional attenuation controls required to prevent noise nuisance at nearest residential properties
- Install noise limiter linked to sound system and provide details of the levels set to the local authority. The levels at which the limiter is set shall be suitable to ensure that complaints are not received, by the Local Authority or the Licence holder.
- Door staff to monitor exterior of premises from 23:00 until the premise closes to ensure that egress and ingress of public are controlled so as to not cause noise nuisance

Signed: D Ryder

Date: 15/04/16

Licensing Policy

10. Licensing Hours

10.1. Flexible hours for licensable activities and particularly the sale of alcohol can help to ensure that large concentrations of customers leaving premises simultaneously are avoided. Requiring a number of similar premises to close at the same time could lead to friction at late night food outlets, taxi ranks, transport hubs and other 'pinch points'. By encouraging a staggered approach to closing times, it is possible to achieve a steadier dispersal of patrons from town centres, with fewer incidents of disorder and disturbance.

10.2. For this reason, the licensing authority will not seek to impose rigid terminal hours on premises in particular areas (a concept known as zoning), which is considered likely to increase the potential for crime, disorder and nuisance. That said, if the authority becomes aware of a proliferation in disorder or nuisance in a particular area linked cumulatively to the operations of licensed premises, it may consider imposing restrictions on opening hours through the use of its various powers, including early morning alcohol restriction orders.

10.3. Licensing hours should not inhibit the development of a thriving and safe evening and night time economy. This is important for investment, local employment, tourism and local services associated with the night time economy. Providing consumers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the licensing objectives and the interests of local residents.

10.4. The licensing authority expects that issues relating to licensing hours, and in particular measures to limit the potential for nuisance or disorder arising from later hours of trading, will be addressed by the applicant in their operating schedule.

10.8. The licensing authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are more likely to be considered appropriate for the promotion of the public nuisance objective in the case of premises that are situated in predominantly residential areas.

11. Licence Conditions

1.1. The licensing authority will seek to avoid imposing disproportionate conditions on premises. It will only impose conditions that it considers appropriate in order to promote the licensing objectives, and which are in themselves reasonable and proportionate.

11.2. Additionally, we will seek to ensure that conditions only pertain to matters which are within the direct control or the sphere of influence of the licence-holder.

National Guidance

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly

burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Public Nuisance

2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Determination of applications

9.36 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.37 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.38 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational.

Imposed conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

PROCEDURE FOR HEARINGS CONDUCTED BY THE LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE (PREMISES-RELATED APPLICATIONS)

The Sub-Committee will follow the procedure below when conducting a hearing:

1. The Chairman will open the meeting by:
 - a) Introducing the Members of the Sub-Committee (indicating any substitutions) and the Officers present, to the parties and any other person in attendance, including any representative of the press;
 - b) Stating the nature of the matter to be considered (including a reference to the name of the premises or place concerned); and
 - c) Explaining the procedure to be followed.
2. The Chairman will ask the parties to the hearing who are present to introduce themselves:
 - a) The Chairman will establish whether any parties wish to nominate a spokesman to speak on behalf of several parties;
 - b) The Sub-Committee will consider:
 - i) any prior request made by a party for permission for any other person (witnesses) to address the Sub-Committee; and
 - ii) any request to provide late documentary or other information and will only take the same into account with the consent of all parties.
3. The Chairman will establish whether Members of the Sub-Committee:
 - a) have an interest to declare;
 - b) have visited the premises or place which is the the subject of the application;
 - c) have read the papers before them.
4. The Chairman will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to present the report, highlighting any late withdrawal of applications or representations.
5. Members may ask any relevant question of any Officer.
6. The Chairman will ask the parties to address the Sub-Committee in the following order:
 - a) In the case of a review application:
 - i) The review applicant (or police/council officer, if the review follows a closure order);
 - ii) The licence-holder;
 - iii) Any responsible authority or other person who has made a relevant representation to the application.
 - b) In any other case:
 - i) The applicant;
 - ii) Any responsible authority or other person who has made a relevant representation to the application.
7. Parties may not introduce new issues when addressing the Sub-Committee – they may only speak on and around the matters contained in applications, representations or notices, or on any matter of which the licensing authority has requested clarification.
8. After each party has spoken, Members of the Sub-Committee may ask relevant questions of that party.

9. Requests from a party to question or cross-examine another party will be considered individually by the Sub-Committee, and will be permitted only if the Sub-Committee is of the view that it is required in order for Members to consider the representations, application or notice.
10. The Chairman will invite any party who has previously spoken to summarise their points if they wish to do so, in the reverse order to that followed previously.
11. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision. The Chairman may request that all persons other than the Members of the Sub-Committee and their legal adviser withdraw from the meeting room during this process – if any further clarification or information is required from any person, all parties will be recalled.
12. The legal adviser shall inform the hearing of any advice that they have given the Sub-Committee during their deliberations.
13. The Chairman will confirm the decision reached by the Sub-Committee, including any additional conditions imposed upon the licence, and the reasons for the decision. Written confirmation of the decision will be sent by the licensing authority to all parties after the hearing.

Absent parties

If a party is not present at the hearing, and the Sub-Committee proceed to hear the matter in their absence, the Sub-Committee will consider the written application, representation or notice given by that party, when determining the matter.

Time limits

The Sub-Committee will not generally limit the speaking time allowed to parties at a hearing, although it will be stressed that repetition or speaking about unrelated or irrelevant matters are not acceptable. However, in cases with a large number of parties in attendance and wishing to address the hearing, the Chairman may impose a maximum time limit applying equally to each individual party to the hearing. This will be discussed with the parties at the commencement of the hearing.

Exclusion

At any point during the hearing, the Sub-Committee may resolve to:

- exclude the public and press from all or part of the hearing under section 100A(4) of the Local Government Act 1972 on the basis that, in view of the nature of the proceedings or the nature of the business to be transacted, if members of the public were present during that item there would be disclosure to them of exempt information (a party to the hearing and any person assisting or representing a party can be treated as a member of the public for this purpose); or
- require any person who is being disruptive to be excluded from the hearing and not return, or only be permitted to return on such conditions as the Committee may specify. Such an excluded person may, before the end of the hearing, submit to the Committee in writing any information which they would have been entitled to give verbally had they not been required to leave.